

## CURRAN COMMITTEE HEARS CROSEY AGAIN

### Former Commissioner Criticizes Waldo for Reinstating Dismissed Men.

### WOULD BAR SUCH FOREVER

### Witness Tells of Case in Which He Discharged a Lieutenant for Whom Gay-nor Interfered.

Recalled to the stand yesterday at the aldermanic investigation of the Police Department, James C. Crosey, former Police Commissioner, severely criticized the present practice of reinstating members of the force who have been dismissed. He reviewed the cases of six men disciplined by him, five of whom Commissioner Waldo restored to their former places.

He advocated placing the Police and Fire departments under the same rules which apply to the other city departments, where a man may be removed by the Commissioner in charge after a hearing, and can only be reinstated by the courts under certain rigid conditions.

Mr. Crosey's main argument against reinstatement was that it destroyed discipline in the force, which, next to good men, was all important. The general opinion prevailed, he said, whether true or not, that the majority of policemen went to the courts to get back on the force, and that if they didn't get back that way they could wait until another Commissioner came in. With a new Commissioner every six months or so, this was not a great hardship, especially since reinstated men were entitled to their back pay, except in cases where they had made a good living during their period of dismissal.

"I should think almost anything preferable to the present system," said Mr. Crosey when asked what reforms he would suggest. "Individuals must always suffer for the benefit of the whole, and while it might seem an injustice in certain cases to forbid reinstatement altogether, I believe that the statute should be amended in that direction. The requirement that a man's successor must be chosen from among the first on the Civil Service list would be an effective safeguard against people being removed for political reasons."

### "Unbecoming Conduct."

Mr. Crosey's testimony helped the committee over several of the obstructions which they encountered at the previous hearing on October 8. He was interrogated on Section 1,543A of the charter, which provides that the Commissioner is allowed to reopen a case only with the consent of the Mayor, given only on the condition that the applicant be discharged for cause, insubordination, intoxication or conduct unbecoming an officer. Last week's witnesses were unable to enlighten Mayor R. Bueker, counsel for the committee, on the meaning of "conduct unbecoming an officer," though their testimony showed that Commissioner Waldo reinstated Lieutenant Thomas E. Foody after he had been removed on that ground.

By explaining the reasons which led him to dismiss Lieutenant Foody and several other men before him on that charge, Mr. Crosey gave a pretty clear idea of what he thought it consisted in. In his mind, was unbecoming conduct in the character of a man whose business it was to give evidence in the courts every day for the protection of society. Mr. Crosey considered honesty the first essential. He often stated in the trial room, he said, that a man who confessed to a big fault would receive a great deal more consideration at his hands than a man who perjured himself about a little one.

After stating that he himself granted no rehearings under Section 1,543A, because he considered it harmful to the discipline of the force for a Commissioner to be continually reversing the findings of his predecessor, Mr. Crosey plunged into a description of the six cases held before him by Mr. Bueker. The first was that of Lieutenant Foody, whose case the committee endeavored to learn about last week, with indifferent success.

### Liquor in Captain's Room.

Briefly stated, Mr. Crosey's testimony showed that Deputy Commissioner Driecoll had found Foody in the captain's room of his station house, in company with a civilian, two bottles of beer and a flask of whiskey. Foody's defense was that the civilian was his tailor, who had brought the liquor with him when he came to collect his bill, and that he was trying to persuade him to depart at the moment when Commissioner Driecoll arrived.

Mr. Crosey stated that he believed the moral effect of permitting liquor in a station house which he commanded was enough to require Foody's dismissal, but added that he had been dismissed by record, that he had been dismissed by General Bingham for being asleep when he should have been at the desk, and had been reinstated by Commissioner Baker after losing an appeal to the courts. Considerable pressure was brought to bear upon him, Mr. Crosey said, to prevent him from dismissing Foody, and the Mayor wrote to him the day before the trial inducing a letter from Mr. Mulry. Mr. Bueker stated later that "Mr. Mulry" was Thomas M. Mulry, president of the Emigrants Savings Bank, No. 31 Chambers street.

"A Police Commissioner is called upon to decide many difficult and painful cases," observed Mr. Crosey. "But my motto is: 'Don't take the job at all unless you think you can live up to what you believe is right.'"

The second case discussed was that of Lieutenant Lake, of the Harbor Squad, who was found on New Year's Eve, 1910, asleep in an adjoining room, when he should have been doing desk duty, while his blotter was completely made out for the next day, fully forty minutes before the day arrived. Mr. Crosey dismissed him after a long conference with the Mayor, in which he told the Mayor that if he found the charges sustained he would dismiss Lake, and that if the Mayor didn't want him tried he had better get another Commissioner.

### Let Him Off with Reprimand.

Mr. Mulry wrote to the Mayor on behalf of Lake, also, and Minkau L. Towns appeared as his counsel, the witness testified. When Commissioner Waldo reviewed the case he found the lieutenant guilty of the charges, but reinstated him and let him off with a reprimand, according to the records.

Captain Tuppen, of the 53d Precinct, was reinstated by Commissioner Waldo, the

records showed, after he had been dismissed by Crosey for conduct unbecoming an officer. He made a statement to Crosey, as Commissioner, which was proven false by the testimony of over a dozen witnesses, according to the testimony. Three patrolmen of his precinct, dismissed at the same time, also were reinstated later.

Two other cases taken up were those of Sergeant Michael J. O'Loughlin, reduced to the rank of patrolman for making a false entry in the blotter, and Patrolman Matthew J. McGrath, dismissed because he made a false charge against a citizen and failed to provide him with medical assistance after he had shot him. McGrath shot a man whose he found in the house with his wife, and failed in an attempt to show that it was self-defense. O'Loughlin was restored to his rank and McGrath reinstated after Commissioner Waldo found that the charges against neither of them were sustained.

The one case in which Commissioner Waldo did not reverse his predecessor was that of Inspector John J. O'Brien, whom Crosey removed on his last day in office after reading over two thousand pages of testimony. The case was reopened at the request of the Mayor the day before the limit of a year, allowed by the charter, expired, although Mayor Gaynor had told Mr. Crosey before his appointment, the witness said yesterday, that O'Brien was an undesirable on the force. O'Brien was the inspector against whom charges were preferred for his failure to clean up Coney Island in the summer of 1910.

To a question put by Alderman Dowling Mr. Crosey replied that the fixed post-institution by Commissioner Waldo was ineffective as now worked, and that if carried to its logical extreme it would be unnecessary. The hearing closed with a brief examination of the witnesses in charge of the records at Headquarters, to be continued at 2 p. m. to-morrow.

## WITNESSES A-SHOPPING GO

### Wife of "Gyp" the Blood in Party of Two Under Custody.

Lillian Horowitz, the wife of "Gyp" the Blood, and Margaret Ryan, the girl who helped Reynolds Forester in his first attempt to escape from the Tombs, went shopping yesterday in the custody of two process servers from the District Attorney's office. Margaret Ryan wrote to John M. Milton, Jr., an assistant of Mr. Whitman in the Becker case, telling the young women found themselves in being in the House of Detention, with cold weather clothing, and he promptly arranged the trip for them.

The process servers who accompanied the young women politely turned their backs while their wards purchased "apparel more suitable for the season." The young women travelled by trolley and insisted on paying their own fares. Their families supplied the money necessary to make the purchases. Miss Ryan's letter was as follows:

My Dear Mr. Milton:

Would you kindly allow Lillian Horowitz and myself to go out shopping on Monday? We have only summer dresses with us in the house and we would like to purchase some apparel more suitable for the season of the year. Thank you in advance for the favor.

(Signed) MARGARET RYAN.

Another occupant of the House of Detention, a witness in a murder case who refused to escape the other day when three of his companions got out, also wrote to Mr. Milton. He wishes the District Attorney to supply him with "underwear," tobacco and other necessities. He may get the tobacco. His letter is as follows:

Respected Sir: I am reluctantly compelled to approach you but owing to my present condition I am unable to send you a letter. I am wearing a suit of clothes, as those that I am wearing is all going to rags so that I could appear in court looking like a beggar.

P. S. My whiskers are also growing like a lion's mane and something to smoke would not go bad.

## ROSENTHAL SALE BEGINS

### \$2,500 Realized First Day—Gamblers May Be Buying.

A mixed throng of bidders, buyers and curious onlookers filled the Broadway Galleries at No. 1362 Broadway yesterday morning and afternoon to witness and take part in the first of a three-day sale at auction of the furniture, bric-a-brac, paintings and other household effects belonging to the estate of the late Herman Rosenthal, the gambler, who was murdered on July 16. The sale is for the benefit of the heirs.

Those familiar with values say that the prices obtained by Auctioneer Van Brink yesterday were high for most of the articles disposed of. The total for this first day's sale was \$2,500, of which a six-piece mahogany bedroom suite of chest drawers brought \$250 and a baby carriage of wicker and brass \$250. A number of women were purchasers of small articles, such as silver and bric-a-brac, and William Dawson, of Jacksonville, Fla., bought a number of pieces of furniture.

Some mysterious bidders, who, it is said, are buying with the intention of fitting up a gambling place with many of Rosenthal's treasures, bid under the initials "S. S." "A. E." and "L. K." "S. S." is said to be buying for "Dave" Gleason. Other purchasers included Judge Carbell, of Paterson, N. J.; J. Peyton, of Cleveland; J. H. Miller, president of the National Enamel and Engraving Company, of Columbus, Ohio, and Godfrey Freest, of White Plains.

Some old paintings by American artists and a Carrara marble bust—a copy of the "Crouching Venus"—will be offered at today's sale.

## SCHEPPS HELD AS VAGRANT

### Makes His Regular Weekly Visit to the Police Court.

"Sam" Schepps, Tuesday's star witness at the trial of Lieutenant Becker, was re-arrested before Magistrate Kernochan, in the West Side court, yesterday, on the technical charge of vagrancy, on which he is being held in the West Side jail while the Becker trial is on. He has been imprisoned every week for the last five weeks or so as a matter of form, and his case adjourned again for another week. This is what was said yesterday.

Schepps seemed much pleased with himself and bowed graciously to Magistrate Kernochan.

"I suppose you want this put over for another week," inquired Magistrate Kernochan.

"By consent," spoke up Frederick Sullivan, Deputy Assistant District Attorney.

"What! You consent?" asked the court of Schepps.

"Most assuredly," was the reply, and he was led back to the jail.

Citizens! Who of you are partly responsible for the registration this year being below that for the first two days four years ago? Wake up! Do your duty! You still have a chance. To-morrow is the third day of registration. Booths open from 7 a. m. to 10 p. m.

## WIDOW STRIKES AT HEART OF DEFENCE

Continued from first page.

fence, handled Mrs. Rosenthal with gentle consideration on cross-examination. She answered the few questions he asked calmly and deliberately. Mr. McIntyre tried hard to get the widow to admit that she knew of a growing enmity between her husband and Rose, Weber and Vallon, the three state's witnesses, for several weeks before he was shot. The witness denied she knew of any serious differences between these men and Rosenthal.

Bernard Rudiger, a waiter at the Union Square Hotel, furnished a damaging piece of evidence against the defendant. He told of frequent meetings of Becker and "Jack" Rose in the restaurant of the hotel last spring, up to within a week of the murder. He declared he saw Rose pass money to Becker on two occasions. Becker and Rose ate together in the restaurant three or four times a week, he said. They conversed in whispers a good deal of the time, and would generally stop talking when he came up to the table to serve them, and would wait until he went away before they began again.

## MRS. ROSENTHAL TELLS OF BECKER'S GAMBLING DEAL

Mrs. Lillian Rosenthal, widow of the murdered gambler, was the first witness of the day. She was called to the stand at 10:30 o'clock, and in going to the witness chair came face to face with Mrs. Becker, who was sitting in the rear of the court, in a chair occupied by her since the trial began. The two women let their glances meet for an instant. There was no sign of recognition, only a stony stare, though both had often dined together before the murder.

Her widow's words brought out in high relief the picture of Mrs. Rosenthal's face. She was evidently nervous, and kept working her fingers as she replied to the questions of Assistant District Attorney Moos. Becker was a keen listener, holding his hands to his ears, trumpet fashion, to hear every word.

The witness told of the first meeting between herself and her husband and Becker, at a ball in the Elks' Club on Thanksgiving night. She also spoke of other times when she herself met him, and of their last encounter, when Becker raided her husband's gambling house, at No. 104 West 43d street.

Her story of what happened at the time of the raid was corroborative of the contention of the prosecution, that Becker told her he was forced to make the raid, or as Becker put it, that it was either Rosenthal or he that must be sacrificed. After several preliminary questions to establish that the witness knew the defendant, Mr. Moos brought her up to the second meeting at the Elks' Club, on New Year's Eve.

### Offer of Financial Aid.

"Did you see what your husband and Becker did?" he asked.

"Becker came over to our table and put his hand around Herman's shoulder and said: 'How's things?' Herman said: 'Not good.' He said: 'Well, Herman, I'll fix you up and give you some money.'"

"Did you have any conversation with Becker that night?"

"Yes," replied Mrs. Rosenthal, with a deep sigh. "He asked me if there was anything I wanted, and if he could do anything for me or my husband, and that he was at my service night and day."

The next time she saw Becker was when he called at her home with Jack Rose.

The examination went on:

Q.—Where did they go? A.—They went to the floor above, where they gambled, but there was no gambling that night.

Q.—Did you see Becker?

A.—I don't remember.

Q.—At any time did you have knowledge of a business transaction between your husband and Becker? A.—Yes.

Q.—Did you see any part of that transaction?

A.—No.

Q.—From whom did you learn about this transaction? A.—Mr. Becker.

Q.—Was that the next time you saw Becker?

A.—Yes.

Q.—What time was it? A.—In April.

Tell the jury what occurred," said Mr. Moos.

Before she could reply Mr. McIntyre was on his feet with an objection, but Justice Goff allowed the witness to answer.

"It was when Becker broke into our place," she said. "They came into the house, and there was so much hammering that I went down to see what the matter was. I said to Becker: 'For God's sake stop hammering, and I will open the door.'"

### Debt Wiped Out.

"I couldn't find the key to open the door. It must have been knocked out by the hammering. So they broke the door in. I ran upstairs. Becker followed me there. I said to him: 'What does this mean?' He went 'Shh' and said: 'It had to be Herman or me.' I said: 'Please don't let them break the furniture.' Then he said: 'Tell Herman everything is square between us. Tell him he doesn't owe me anything. Let him go downtown. He knows where, and the mortgage will be cancelled.' I asked him where he was to go and he said: 'He knows where.'"

Becker leaned back as the witness finished her answer.

Q.—When you and your husband met Becker was Rose there? A.—Yes.

Q.—After that was Rose in your house often? A.—Yes, almost every day.

### Candidate for Pension.

James E. Hallen, a convict, was brought down from Sing Sing prison to testify. He was in the Tombs when Becker was first brought there. He testified to an alleged conversation he overheard between Becker and James White, a former member of Becker's "strong arm" squad, who was committed to the Tombs on a charge of perjury in the alleged "framing-up" of "Big Jack" Zelig.

The witness swore that White told Becker he heard "Louie" had been arrested, and that Becker said it didn't matter, as no jury would believe a bunch of crooks. When the sensation had passed, Becker said, the public would be giving him (Becker) a pension for killing Rosenthal, the witness testified.

Several police officials were called at the afternoon session. Deputy Commissioner Dougherty testified that he had asked Becker, a day or two after the murder, if he knew the whereabouts of "Jack" Rose, and told him he had not seen Rose since the previous Friday. Rosenthal was shot on Tuesday.

Miss Margaret Rose, a trained nurse, but not related to "Jack" Rose, was the next witness. She testified that the morning of May 10, or thereabouts, she saw Lieutenant Becker when he called at the house, and that he talked to Mrs. Rose in the hallway for about five minutes.

Mary Storer, who has been employed by Rose as a servant for the last two and one-half years, testified that Becker

breakfasted with the family almost every day, and had supper with the gambler often.

She remembered the Sunday that Anna Gletner was at the house, and she corroborated the latter.

Mr. McIntyre was ruffled when he arose to cross-examine the witness. His first question—"Didn't you know Becker had a home?"—brought the naive rejoinder, "I never asked."

Edward E. Coe, a gambler, of No. 318 West 51st street, said he met Becker at Rose's breakfast table some time in April or in May.

The last two witnesses of the morning session were waiters in the Union Square Hotel, who testified they often served Rose and Becker. Bernard Rudiger said he waited on Becker and Rose three or four times a week since late in March, or the beginning of April. He said he saw Rose pass money to Becker, but did not know how much.

### In Trouble With Becker.

Mr. McIntyre brought out that the witness had had trouble with Becker at the hotel.

Q.—Did that make you dislike him? A.—I can't say that.

Q.—You say money was passed. How much was it? A.—I can't say.

Q.—But was it passed? A.—Yes.

Mr. McIntyre, after a few more questions, asked the court to strike out Rudiger's testimony, but his request was denied.

Frank Szrell, the second waiter, said that he waited on Becker and Rose some time in April. They always engaged in conversation in low tones so they could not be overheard. Even as they got up from the table he noticed them still talking animatedly.

Mr. McIntyre had "Jack" Rose brought into the courtroom and asked the witness if he knew him.

"Yes, that is 'Jack' Rose," said Szrell.

### Home Life With Rose.

Anna Gletner, a sister-in-law of "Jack" Rose, was then called. She is seventy years old, and lives at No. 163 Lenox avenue.

Q.—Did you see Lieutenant Becker at Mr. Rose's home? A.—Yes, on the Sunday Mr. Rose went to the country.

Q.—Was Mr. Rose there? A.—He was not, when Becker came, and I went downstairs to look for him. Afterward he came in.

Q.—Was there any supper there that evening? A.—Yes.

Q.—Who sat down to supper? A.—Mrs. Rose and Mr. Rose, Mr. Becker and Mrs. Becker.

Miss Margaret Rose, a trained nurse, but not related to "Jack" Rose, was the next witness. She testified that the morning of May 10, or thereabouts, she saw Lieutenant Becker when he called at the house, and that he talked to Mrs. Rose in the hallway for about five minutes.

Mary Storer, who has been employed by Rose as a servant for the last two and one-half years, testified that Becker

Q.—Did you see any money passed after New Year's eve? A.—Yes.

Q.—When was that? A.—The afternoon took some money out one night and said: "This is for Becker and Rose."

Mr. Moos then turned his attention to the story circulated by Becker's friends that Rosenthal had received \$15,000 or \$15,000 the Sunday before he was murdered from gamblers who were anxious for him to leave town.

Justice Goff did not see the relevancy of this line of questioning, and Mr. Moos explained.

"The defence has tried to show by cross-examining our witnesses that Rosenthal was paid \$25,000 or some such large sum by a ring of gamblers to insure his silence, and I want to show how unfounded the claim is."

He was permitted to do this, and he brought out that the Sunday before he was murdered Rosenthal gave his wife \$100, but he was "broke" the next day and she gave him back half of the amount.

### No Money for Burial.

"Did you have any money with which to bury your husband?" was the final question of Mr. Moos.

"No," said the witness, who was then turned over to Mr. McIntyre for a brief cross-examination.

Mr. McIntyre tried, but unsuccessfully, to lay a foundation for one of the claims of the defence—that Rose, Weber, Vallon, Schepps and "Sam" Paul were bitter enemies of her husband. The cross-examination was along the following lines:

Q.—How long have you been married to Rosenthal? A.—Fifteen years.

Q.—You are his second wife? A.—Yes, sir.

Q.—Did you have a nephew in the house at the time of the raid? A.—Yes, he was my nephew.

Q.—Did you become angry at Becker on account of the raid that night? A.—No.

Q.—Did you become angry later? A.—I don't recall.

Q.—Was Rose a partner with your husband in the gambling business? A.—Yes.

Q.—How long? A.—Since the place opened in the latter part of February or the early part of March.

Q.—Did your husband and Rose have a trouble with Becker about Becker?

A.—I can't remember.

Q.—Did you hear that "Bridgie" Weber charged your husband with being responsible for his law being broken? A.—I don't recall.

Q.—Did your husband tell you that at a ball he was making an effort to make to kill him that night?

Mr. Whitman objected and was sustained.

Q.—Did your husband tell you that Jack Rose was responsible for the money being sent to the police and the Mayor about his place?

Mr. Whitman objected and the question was excluded.

Mr. McIntyre then showed Mrs. Rosenthal people's exhibit No. 4, a letter to the Mayor.

Q.—Do you know anything of that anonymous letter? A.—No, sir.

Q.—Did you know of a plot or argument one day for that letter being sent? A.—No, sir.

Mr. McIntyre again showed Mrs. Rosenthal the letter and asked: "Did your husband ever tell you that 'Jack' Rose and 'Bridgie' Weber were responsible for that letter?"

### Unable to Learn Author.

Mr. Moos objected and Justice Goff excluded the question.

Q.—Were the relations between Rose and your husband strained after the raid? A.—No.

Q.—Do you know that your husband and Rose did not speak after the raid? A.—I do not know.

Q.—Do you know Vallon? A.—Yes, sir.

Q.—Did you know of a plot or argument one day for that letter being sent? A.—No, sir.

Q.—Did you ever know a waiter called Leo? A.—Yes.

Q.—Where did he work? A.—In a restaurant in Lenox avenue.

Q.—When did you see him last? A.—At my house in 43d street, two months ago.

Q.—Did you see him with Becker? A.—Yes. He was in the Monopole stuss house, in Second avenue, when Rose, Vallon, Schepps and "Sam" Paul were present.

Q.—Did your husband? A.—I do not recall.

Mr. McIntyre then walked over to Becker and after a short whispered conversation said he was through with the witness. Mrs. Rosenthal, after being on the stand for forty minutes, was excused and left the courtroom by a side door.

## DEFENCE SCORES POINT IN CHAUFFEUR'S TESTIMONY

Mr. Moos then called for Margaret Rose, wife of "Bald Jack," but she did not answer to her name, and William Avers, chauffeur for Colonel Sternberger, who was always at Becker's call, told his story of driving Becker, with others, to the fight at Madison Square Garden the night of the murder. In the party was Jacob Reisch, alias "Jack" Sullivan.

Avers, after saying he gambled with Becker at "Bridgie" Weber's gambling house, said he drove Becker directly home.

On cross-examination, Mr. McIntyre brought out that he did not drive past the Metropole at any time on the night of July 15. This was in an effort to discredit the story told by Weber, Vallon and Rose that Becker had told them he rode by the Metropole that night, ready to shoot Rosenthal on sight.

Harry Pollok, the fight promoter, at whose home Rose hid after the murder,

was the next witness. He said he knew Rose, Becker and Rosenthal.

Q.—Did Rose stop at your house after the murder of Rosenthal? A.—Yes, from Thursday till Friday.

Q.—After a conversation with Rose, did he tell you that he had been arrested? A.—Yes, on Wednesday, July 17. I called at Headquarters and saw Becker.

Q.—What did he say? A.—He said he had been arrested.

Q.—Did you see him after that? A.—No.

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